

Joseph F. Jennings (State Bar No. 145,920)
joe.jennings@knobbe.com
Brian Horne (State Bar No. 205,621)
brian.horne@knobbe.com
Sean M. Murray (State Bar No. 213,655)
sean.murray@knobbe.com
Sarah Lampton (State Bar No. 282,404)
sarah.lampton@knobbe.com
Marissa Calcagno (State Bar No. 279,783)
marissa.calcagno@knobbe.com
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Phone: (949) 760-0404
Facsimile: (949) 760-9502

Attorneys for Plaintiff
KFx Medical Corporation

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KFX MEDICAL CORPORATION, a
Delaware corporation,

Plaintiff and Counterdefendant,

v.

ARTHREX, INCORPORATED, a
Delaware corporation,

Defendant and Counterclaimant.

Case No. 11cv1698 DMS (BLM)

**PLAINTIFF'S NOTICE OF
WITHDRAWAL OF MOTION
FOR CORRECTION OF
INVENTORSHIP OF U.S.
PATENT NOS. 7,585,311 AND
8,100,942**

1 Pursuant to Civ. L.R. 7.1(g)(1), Plaintiff KFx Medical Corporation
2 (“KFx”) hereby withdraws its motion for correction of inventorship of U.S.
3 Patent Nos. 7,585,311 (“the ‘311 patent”) and 8,100,942 (“the ‘942 patent”)
4 (ECF No. 156). That motion was set to be heard on August 9, 2013 at 1:30
5 p.m., at the same time as the parties’ motions *in limine*.

6 As stated in the motion, while KFx filed petitions with the Patent Office
7 to correct inventorship of the ‘311 and ‘942 patents, it also filed a motion with
8 the Court in the event the petitions were not granted by the time of trial. KFx
9 received today the Patent Office’s decisions granting the petitions to correct
10 inventorship (attached hereto as Appendices A and B). These decisions moot
11 KFx’s motion to correct inventorship.

12
13 Respectfully submitted,

14 KNOBBE, MARTENS, OLSON & BEAR, LLP
15

16 Dated: August 6, 2013 By: s/Joseph F. Jennings

17 Joseph F. Jennings
18 Brian Horne
19 Sean M. Murray
20 Sarah Lampton
21 Marissa Calcagno

22 Attorneys for Plaintiff
23 KFx Medical Corporation
24
25
26
27
28

APPENDIX A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/245,620	09/26/2011	Michael L. Green	KFX.003C1	9919

20995	7590	08/06/2013
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		

EXAMINER	
ANDERSON, GREGORY A	

ART UNIT	PAPER NUMBER
3773	

NOTIFICATION DATE	DELIVERY MODE
08/06/2013	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jayna.cartee@knobbe.com
 efiling@knobbe.com


**UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
13/245,620	26 September, 2011	GREEN ET AL.	KFX.003C1

KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		EXAMINER	
		CORRINE M. MCDERMOTT	
		ART UNIT	PAPER
		3773	20130731

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

	CORRINE M MCDERMOTT SPE Art Unit: 3773

PTO-90C (Rev.04-03)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

In re Patent No. 8,100,942 GREEN ET AL. :
Issue Date: January 24, 2012 : **DECISION GRANTING**
Appl No.: 13/245,620 : **PETITION**
Filed: September 26, 2011 : *37 CFR 1.324*
For: SYSTEM AND METHOD FOR ATTACHING SOFT :
TISSUE TO BONE :
: :
: :

This is a decision on the petition filed June 28, 2013 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Corrine McDermott/
Corrine M. McDermott
Supervisory Patent Examiner
Art Unit 3773
Technology Center 3700

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Application/Control Number: 13/245,620

Page 3

Art Unit: 3773



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DATE: July 31, 2013

TO: Certificates of Correction Branch

FROM: Corrine McDermott, SPE, Art Unit 3773

SUBJECT: Request for Certificate of Correction

Please issue a Certificate of Correction in U. S. Letters Patent No. 8,100,942 as specified on the attached Certificate.

/Corrine McDermott/
Corrine McDermott, SPE
Art Unit 3773

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE

Patent No. 8,100,942

Patented: January 24, 2012

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Michael L. Green, Pleasanton, CA
Joseph C. Tauro, Toms River, NJ

/Corrine McDermott/
Corrine McDermott, Supervisory Patent Examiner
Art Unit 3773

APPENDIX B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/143,007	06/01/2005	Michael L. Green	KFX.003A	8199

20995	7590	08/06/2013
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

EXAMINER	
ANDERSON, GREGORY A	

ART UNIT	PAPER NUMBER
3773	

NOTIFICATION DATE	DELIVERY MODE
08/06/2013	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jayna.cartee@knobbe.com
 efiling@knobbe.com



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/143,007	01 June, 2005	GREEN ET AL.	KFX.003A

		EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		CORRINE M. MCDERMOTT	
		ART UNIT	PAPER
		3773	20130731

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

	CORRINE M MCDERMOTT SPE Art Unit: 3773



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

In re Patent No. 7,585,311 GREEN ET AL. :
Issue Date: September 8, 2009 : **DECISION GRANTING**
Appl No.: 11/143,007 : **PETITION**
Filed: June 01, 2005 : *37 CFR 1.324*
For: SYSTEM AND METHOD FOR ATTACHING SOFT :
TISSUE TO BONE :
: :
:

This is a decision on the petition filed June 28, 2013 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Corrine McDermott/
Corrine M. McDermott
Supervisory Patent Examiner
Art Unit 3773
Technology Center 3700

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Application/Control Number: 11/143,007
Art Unit: 3773

Page 3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DATE: July 31, 2013
TO: Certificates of Correction Branch
FROM: Corrine McDermott, SPE, Art Unit 3773
SUBJECT: Request for Certificate of Correction

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,585,311 as specified on the attached Certificate.

/Corrine McDermott/
Corrine McDermott, SPE
Art Unit 3773

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE

Patent No. 7,585,311

Patented: September 8, 2009

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Michael L. Green, Pleasanton, CA
Joseph C. Tauro, Toms River, NJ

/Corrine McDermott/
Corrine McDermott, Supervisory Patent Examiner
Art Unit 3773

PROOF OF SERVICE

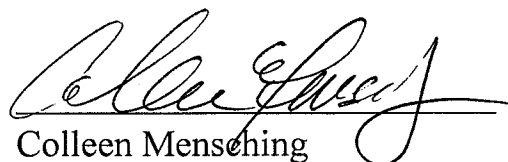
I hereby certify that on August 6, 2013, I caused **PLAINTIFF'S NOTICE OF WITHDRAWAL OF MOTION FOR CORRECTION OF INVENTORSHIP OF U.S. PATENT NOS. 7,585,311 AND 8,100,942** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following person(s):

Robert W. Dickerson
dickersonr@dicksteinshapiro.com
Lawrence La Porte
laportel@dicksteinshapiro.com
DICKSTEIN SHAPIRO LLP
2049 Century Park East, Suite 700
Los Angeles, CA 90067
T: 310-772-8300

Charles W. Saber
saberc@dicksteinshapiro.com
Salvatore P. Tamburo
tamburos@dicksteinshapiro.com
Megan S. Woodworth
woodworthm@dicksteinshapiro.com
S. Gregory Herrman
herrmang@dicksteinshapiro.com
DICKSTEIN SHAPIRO LLP
1825 Eye Street Northwest
Washington, DC 20006
T: 202-420-2200

I certify and declare under penalty of perjury under the laws of the State of California that I am employed in the office of a member of the bar of this Court at whose direction the service was made, and that the forgoing is true and correct.

Executed on August 6, 2013, at San Diego, California.


Colleen Mensching

15959374